

**CENTRAL SCOTLAND  
VALUATION JOINT BOARD**

**WHISTLEBLOWING POLICY**

**JUNE 2018**

## WHISTLEBLOWING POLICY

### 1. What is Whistleblowing?

In this policy 'whistleblowing' means the reporting by employees and others of suspected wrongdoing, malpractice, illegality or risk in the workplace.

The policy aims to encourage employees and others who have serious concerns about any aspect of CSVJB's work to come forward and voice those concerns. It sits alongside other policies for ensuring probity within CSVJB, for example the anti-fraud and corruption strategy.

Employees are often the first to realise that something seriously wrong may be happening within CSVJB. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to CSVJB or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report it.

CSVJB is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages employees and others with serious concerns about any aspect of CSVJB's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns within CSVJB rather than overlooking a problem or publicly disclosing the matter.

If you are considering raising a concern you should read this policy first. It explains:

- the types of issues that can be raised
- how the person raising a concern will be protected from victimisation and harassment
- how to raise a concern, and
- what CSVJB will do

If you are unsure whether to use this policy or want independent advice at any stage, you can contact the independent charity **Public Concern at Work** on **020 7404 6609** or the **ACAS helpline** on **0300 123 1100**. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work. If you are a member of a trade union, you may also wish to contact it for advice.

## **2. What is the aim of the policy and when does it apply?**

### **Aims of the policy**

This policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within CSVJB without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

It is also intended to encourage and enable you to raise serious concerns within CSVJB rather than ignoring a problem or 'blowing the whistle' outside.

The policy aims to:

- encourage you to feel confident in raising serious concerns at the earliest opportunity
- provide avenues for you to raise those concerns (for example, the corporate fraud reporting line/mailbox) and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have made any disclosure in good faith.

The whistleblowing policy is not intended to replace existing procedures:

if your concern relates to your own treatment as an employee, you should raise it under existing grievance or dignity at work procedures

if a client has a concern about services provided to him/her, it should be raised as a complaint to CSVJB

### **Who can raise a concern under this policy?**

Legislation defines a whistleblower as a 'worker', that is, someone inside the organisation. The policy therefore applies to all people working for CSVJB. This includes full and part-time, temporary and casual staff and contractors working for CSVJB on CSVJB premises (e.g. agency workers). It also covers CSVJB suppliers and those providing services under a contract with CSVJB in their own premises.

### **What does the policy cover?**

A whistleblowing concern is where a worker discloses information about suspected malpractice, risk, abuse or wrong-doing. It is best to raise the

concern as early as possible to allow the matter to be looked into promptly. The following list illustrates the types of issues that may be raised:

- the abuse of children and/or vulnerable adults
- any unlawful act (e.g. theft)
- health and safety risks, either to the public or other employees
- the unauthorised use of public funds
- maladministration
- failure to safeguard personal and/or sensitive information (data protection)
- damage to the environment (e.g. pollution)
- fraud and corruption (including bribery)
- racial, sexual, disability or other discrimination
- disclosures related to miscarriages of justice
- any deliberate concealment of information tending to show any of the above.

This list is not exhaustive.

### **3. Protecting the Whistleblower**

#### **Your legal rights**

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act protects employees from any detriment from their employer or colleagues that arises as a result of making a 'protected disclosure' in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.

As a whistleblower, you are protected if you:

- reasonably believe the information disclosed tends to show that one of the following has happened, is happening or is likely to happen:
  - criminal activity
  - failure to comply with a legal obligation
  - miscarriage of justice
  - danger to an individual's health and safety
  - damage to the environment
  - a deliberate attempt to cover up any of the above
- make the disclosure in the public interest
- reasonably believe the information is true
- believe the whistleblowing is being made to the right person.

#### **Support to you**

Throughout this process:

- you will be given full support from senior management
- your concerns will be taken seriously, and
- CSVJB will do all it can to help you throughout the investigation

For those who are not CSVJB employees, CSVJB will endeavour to provide appropriate advice and support wherever possible.

### **Confidentiality**

All concerns will be treated in confidence and CSVJB will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant, for example, disciplinary action or police involvement, then it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. However, your name will not be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you. You will also be given as much support as possible throughout these processes.

### **Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback.

Concerns expressed anonymously are more difficult to investigate, harder to substantiate and further liaison with the whistleblower is not possible. Given these inherent difficulties, CSVJB will exercise discretion in deciding whether or not to investigate anonymous allegations. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern, and
- the likelihood of confirming the allegations from other sources

### **Untrue Allegations**

While encouraging employees to bring forward matters of concern, CSVJB must guard against claims which are untrue or vexatious. This is because of the risk of claims made to deliberately damage the reputation of other employees or CSVJB as a whole.

If you make an allegation in good faith, reasonably believing it to be true, but it is not confirmed by the investigation, CSVJB will recognise your concern and you have nothing to fear. However, if you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

## **4. Raising a Concern**

### **Who should you raise your concern with?**

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. As a first step, you should normally raise concerns with your line manager. In cases where this is not appropriate, the concern should be raised with:

- Assistant Assessor
- Assessor
- Clerk to the Board – in cases where the Assessor is suspected of wrongdoing. Contact details available on the intranet under Valuation Joint Board Members and Officers tab.
- If your concern relates to potential fraud, corruption (including bribery), theft, misuse of CSVJB funds or assets, you can also use the dedicated corporate fraud reporting line (01324 504500) or mailbox (corporate.fraud@falkirk.gov.uk).

If you are unsure who to contact you may want to call the independent charity Public Concern at Work (0207 404 6609) or the ACAS helpline (0300 123 1100) or your trade union for advice.

### **How to raise a concern**

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving names, dates and places, where possible)

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within CSVJB and that there are reasonable grounds for your concern.

You may invite your trade union, professional association representative or a colleague to be present for support during any meetings or interviews in connection with the concerns you have raised.

## **5. What CSVJB will do**

CSVJB will respond to your concerns as quickly as possible. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

The overriding principle for CSVJB will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial enquiries will be made to decide whether an investigation is appropriate

and, if so, what form it should take. Concerns or allegations that fall within the scope of other existing procedures will normally be referred for consideration under those procedures.

The action taken by CSVJB will depend on the nature of the concern. It may not be necessary to carry out a formal investigation in every case and some concerns may be resolved with you directly without the need for investigation or it may be that an investigation can be completed without the person or persons under investigation being aware of the process.

Where appropriate, the matters raised may:

- be investigated by management, the corporate fraud unit or through the disciplinary/grievance process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

Within ten working days of a concern being raised, the person investigating your concern will write to you:

- acknowledging that the concern has been received
- indicating how CSVJB proposes to deal with the matter
- supplying you with information on staff support mechanisms
- telling you whether further investigations will take place and if not, why not.

The amount of contact between you and the officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. If necessary, further information will be sought from you. You may also be interviewed to ensure that your disclosure is fully understood.

Any meeting can be arranged away from your workplace, if you wish, and a union or professional association representative or a colleague may accompany you in support.

CSVJB will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, CSVJB will arrange for you to receive appropriate advice and support.

CSVJB accepts that you need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will receive information about the outcome of any investigation.

## **6. The Responsible Officer**

While the Assessor has overall responsibility for the maintenance and operation of this policy, responsibility for investigating referrals or concerns may sit with other teams or officers.

## **7. How the Matter can be Taken Further**

This Policy is intended to provide you with an avenue within CSVJB to raise concerns. CSVJB hopes you will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside CSVJB, the following are the CSVJB's prescribed contacts:

- CSVJB's external auditors:
- your trade union
- the police
- other relevant bodies prescribed by legislation – Public Concern at Work will be able to advise you who you can contact. You can also see the list of appropriate regulatory bodies set out in the document **Blowing the Whistle to a Prescribed Person: List of prescribed persons and bodies** which can be found at this address:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf)

If you raise concerns outside CSVJB you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this policy.

You should not disclose information that is confidential to CSVJB or to anyone else, such as a client or contractor of CSVJB, except to those included in the list of prescribed contacts.

This Policy does not prevent you from taking your own legal advice.

## **8. Corporate Recording and Monitoring**

The Assistant Assessor will maintain a corporate register containing all concerns that are brought to their attention. Similarly, the Corporate Fraud Team will maintain a record of all referrals made via the dedicated telephone line and mailbox.

All officers allocated to look into a concern must ensure sufficient details are provided for the corporate register.

The Assistant Assessor will review the corporate register and produce an annual report for the Management Team. The report will include a summary of the concerns raised, to which Team they related, the post to which the concerns related (if not confidential) and any lessons learned.

The report will not include any employee names. The aim of this is to ensure:

- CSVJB and/or the relevant Team learns from mistakes and does not repeat them, and
- consistency of approach across CSVJB

The corporate register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.

### **9. Training and Awareness**

Line Managers are responsible for ensuring that their employees are aware of the whistleblowing policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the policy should form part of the induction training for all employees and should be addressed as part of any refresher training.

Employees have a responsibility to ensure that they are aware of and understand CSVJB's policy in relation to whistleblowing.

Policy Name	Whistleblowing Policy	
Policy Lead	Assistant Assessor	
Equality Impact Assessment		
Full EQIA required	Yes	<input type="checkbox"/>
	No*	<input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all CSVJB employees and does not negatively impact on any group which falls within any of the 9 protected characteristics		
Date Full EQAI complete	N/A	
Date Approved	29 <sup>th</sup> June, 2018	
Review Date	June 2020	